

PLANNING BOARD OF THE CITY OF BANGOR

MEETING OF SEPTEMBER 21, 2004

MINUTES

Board Members Present:

**Robert Guerette, Chairman
David Clark
Hal Wheeler
Bill Masters
Nathaniel Rosenblatt
Jonathan Siegel**

City Staff Present:

**Katherine Weber
David Gould
James Ring
Peter Witham**

News Media Present:

Bangor Daily News

Chairman Guerette called the meeting to order at 7:00 p.m. Chairman Guerette noted that in the absence of Member King, that Mr. Masters would be voting.

CONSENT AGENDA

As no one wished to remove any of the items from the Consent Agenda for discussion, Chairman Guerette called for a motion. Mr. Wheeler moved to approve the Consent Agenda as written. Mr. Masters seconded the motion, and the Board voted unanimously to approve the Consent Agenda. Those items approved are:

Item No. 1: Site Location of Development Act Modification approval to construct a new gravel driveway, and a hexagonal gazebo located at 1 College Circle in a Low Density Residential District. Husson College, applicant.

Item No. 2: Site Development Plan approval to construct a 6,000-square foot building located at 16V BanAir Road for office, storage, and truck storage use in an Urban Industry District. Norman and Diann Bouchard, d/b/a, Norm's Cleaning Service, applicant.

- Item No. 3:** Site Development Plan approval to construct an outdoor display area/parking lot at 140 Haskell Road in a General Commercial and Service District. QV Realty Trust, applicant.
- Item No. 4:** Site Development Plan approval to construct a four-unit apartment building located at 159V Glenwood Drive in a High Density Residential District. Steven M. and Rhonda F. Libby, applicants.
- Item No. 5:** Site Development Plan and Site Location of Development Act Modification approval to construct an 8,100-square foot addition to the existing maintenance building located on Hayes Street in the Airport Development District. Army National Guard, applicant.
- Item No. 6:** Site Development Plan approval to construct 9-space and 25-space parking lot expansions located at 6 Telcom Drive in General Commercial and Service District. RRC Atlantic Inc., d/b/a/ Unicel, applicant.

PUBLIC HEARINGS

Chairman Guerette indicated that Item Nos. 7, 8 and 9 would be combined as one Public Hearing and noted that anyone wishing to speak on any one of these items should not wait for the individual item to be called.

- Item No. 7:** To amend the Land Development Code by changing two parcels of land located at 840 Broadway from Low Density Residential District to Government and Institutional Service District. Said parcels containing approximately 16 acres. Husson College, applicant. C.O. # 04-273.
- Item No. 8:** To amend the Land Development Code by changing a portion of a parcel of land located at 1 College Circle off of Griffin Road from Contract High Density Residential District to Government and Institutional Service District. Said portion of a parcel containing approximately 14 acres. Husson College, applicant. C.O. # 04-274.
- Item No. 9:** To amend the Land Development Code by changing a parcel of land located off of Husson Avenue from High Density Residential District to Government and Institutional Service District. Said parcel containing

approximately 5 acres. Husson College, applicant. C.O. # 04-275.

Chairman Guerette opened the Public Hearing for Item Nos. 7, 8, and 9 and explained the public hearing process. Chairman Guerette asked the applicant or their representative to make a brief presentation.

Mr. James Doughty, represented Husson College, indicated that Husson College was seeking to consolidate their land into a common zoning district. At one time, Husson College had looked at selling off some real estate as a means to generate income. Those parcels to be offered for sale were rezoned to accommodate the anticipated uses, but the sales were never completed. At this time, Husson College is requesting that the parcels be rezoned to Government and Institutional Service District.

Chairman Guerette asked for any other proponents. There being none, he asked for any opponents. Ms. Angela Aloupis indicated that she was not in support of or in opposition to the applications, but that she did want to represent her mother, Athena Aloupis, who resided at 15 Aster Place. Ms. Aloupis also noted that Tom and Nancy Tennett, also neighbors, expressed concern but were unable to attend. Ms. Aloupis indicated that they were concerned that the rezoning would accommodate construction of dormitories on the properties closest to Broadway. Chairman Guerette indicated that once the property was rezoned, the applicant would be able to develop it consistent with the uses allowed in that zone. Mr. Guerette also indicated that dormitories would be an allowable use in the Government and Institutional Service District.

Chairman Guerette closed the Public Hearing, and asked Mr. Doughty if he wanted to make any final statements. Mr. Doughty indicated there were no plans for dormitories at 840 Broadway. Mr. Masters asked Mr. Doughty if Husson College had no plans for the Broadway parcels, then why was it requesting the rezoning. Mr. Doughty clarified that Husson College has no plans for dormitories at that location. Mr. Doughty noted that any construction plans would have to be approved by the Planning Board.

Mr. Masters indicated that changing the zoning from one that is residential to one that is institutional could allow a great variety of uses adjacent to existing residences. Mr. Doughty indicated that, at this time, the rezoning was for the gravel drive on the Board's Agenda. Mr. Masters indicated that he had no concerns with other elements of Husson's rezoning, but that this Broadway parcel was in close proximity to other residential properties. Mr. Doughty indicated that new construction would occur in the center of the campus. Mr. Masters indicated that the zone change will alter the allowable uses on that property and there appears to be no need for the rezoning at this time.

Mr. Doughty indicated that the rezoning was required for the gravel drive construction. Planning Officer Weber indicated that rezoning was not required for the

gravel drive as it was approved at the Board's first meeting in September. Mr. Masters indicated that rezoning the Broadway parcel would open the door to uses not presently allowed on the property that would encroach onto adjacent residential properties.

Chairman Guerette asked for Staff comments. Planning Officer Weber stated that Husson College was requesting a rezoning of three areas of the campus totaling 35 acres; two parcels off of Broadway, presently zoned Low Density Residential District; five acres next to Husson Avenue, presently zoned High Density Residential District; and a parcel located off of Griffin Road, presently zoned Contract High-Density Residential District. In looking at the Comprehensive Plan, the generalized Land Use Map indicates this area of the City as Government and Institutional Service District zoning. The generalized Zoning Map is a more refined version of that plan. This plan indicates zoning of the Broadway frontage as Low Density Residential. This designation is likely because the prior ownership was private, and was not a Husson College property.

Ms. Weber indicated that the proposal was consistent with the Comprehensive Plan, and recommended that the Planning Board make a positive recommendation to the City Council on all three rezoning applications.

Mr. Rosenblatt indicated that he agreed with Mr. Masters regarding the Low-Density Residential portion of the proposal because he felt that it was difficult to accept given the potential permitted uses. Mr. Siegel asked, if the President's residence is allowed in the Low Density Residential District, where the gravel drive is allowed, then why is it being rezoned. Ms. Weber indicated that the residence is allowed in the Low Density Residential District, as is the driveway. If it is rezoned, the dwelling will be accessory to the College.

Mr. Rob Frank of WBRC, noted that the historic designation limits physical changes to the property so that it is unlikely that anything else could be constructed. The concern was that certain functions that may take place at the President's house might be seen as other than uses allowed in a LDR District. The long-term plan is for more in-fill development in the heart of the campus, not at the edges.

Chairman Guerette indicated that with Mr. Siegel present, the two alternates would alternate voting beginning with Mr. Siegel. Chairman Guerette called for a motion on Item No. 7. Mr. Clark moved to recommend approval to the City Council for Council Ordinance #04-273 at 840 Broadway, Husson College, applicant. Mr. Wheeler seconded the motion and the Board voted 3 in favor and 2 opposed.

Chairman Guerette called for a motion on Item No. 8. Mr. Rosenblatt moved to recommend approval to the City Council of Council Order 04-274 for property located off of Griffin Road, Husson College, applicant. Mr. Wheeler seconded the motion and the Board voted unanimously to recommend approval of C.O. #04-274.

Chairman Guerette then called for a motion on Item No 9. Mr. Rosenblatt moved to recommend approval of Council Order #04-275 to the City Council for the parcel off of Husson Avenue, Husson College applicant. Mr. Clark seconded the motion and the Board voted unanimously to recommend approval of C.O. #04-275.

Chairman Guerette recognized Mr. Wheeler. Mr. Wheeler noted that he understood the concerns of the neighbors, and the depth of response and understanding from Mr. Masters. He indicated that he has great confidence in Husson College in its ability to be a sensitive and compatible neighbor. His experience with Husson College for many years is that, in no instance, has the College done anything to compromise its credibility. The point is well taken that there are concerns about this area.

APPROVAL OF MINUTES

Item No. 10: **Planning Board Approval of Minutes.**

Chairman Guerette deferred consideration of the Minutes to the end of the meeting.

NEW BUSINESS

Item No. 11: **Site Development Plan approval to construct a 2,400-square foot building in an Industry and Service District located at 41 Godsoe Road – Atlas Development Corp., applicant.**

Mr. Guerette asked for comments from the applicant or the applicant's representative. Mr. James Tower, P.E., indicated that he represented Atlas Development Corporation. Mr. Tower noted that this parcel was purchased from the City of Bangor. Mr. Tower indicated that the applicant is proposing to develop a 2,400 square foot building to house trucks. Public sewer and water utilities will be extended to the property, and the proposed uses are consistent within the District in which it is located.

Mr. Rosenblatt asked who owns the separate roadway. Mr. Tower indicated that the City of Bangor owns it. It is a paper street with a retained right-of-way. The applicant will extend the street at its own expense. Mr. Jim Ring, City Engineer, indicated that the roadway was a retained right-of-way of the City's. Target Development Corporation had sold the lot to Atlas Development Corporation and that the street and utilities are being extended by the developer as an off-site improvement. Mr. Guerette asked if the details noted in the Staff Memorandum had been received. Mr. Ring indicated that new design details were received, and found to be acceptable.

Planning Officer Weber indicated that the applicant, Atlas Development Corporation, requests Site Development Plan approval to construct a 2,400-square foot industrial building off of Godsoe Road in an Industry and Service (I & S) District. Ms. Weber indicated that the application is complete and consistent and Staff recommends Site Development Plan approval.

Mr. Clark moved to approve the Site Development Plan for Atlas Development Corporation at 41 Godsoe Road. Mr. Wheeler seconded the motion, and the Board voted unanimously to approve the Site Development Plan for 41 Godsoe Road.

Item No. 12: Site Development Plan and Site Location of Development Act Modification approval to construct a parking/display area, a 35' x 45' single-story sales office building, and a stormwater treatment wet-pond located on Sylvan Road in a General Commercial and Service District. Darling's Inc., applicant.

Mr. Guerette asked for comments from the applicant or the applicant's representative. Mr. Charles Rohn, Executive Vice President of Darlings Inc. indicated that the request before the Board was the culmination of a 10-year process with many changes along the way, including the Sylvan Road realignment and traffic signal improvements at Haskell Road and Hogan Road.

Mr. Tim Woodcock, Esquire, representing the applicant, stated that there were two applications before the Board; a Site Development Plan application for the creation of a vehicle display lot off of Sylvan Road and a Site Location of Development Act modification for the overall development. Attorney Woodcock noted that the original Site Location of Development Act approval required that any development of Phase III include a completely new Site Location of Development Act application. Originally intended for only automotive uses, Great Skates was included in the site development in 1995. The current development plan is consistent with this original plan, although slightly modified. The planned group development offers common open space areas, detention ponds and water quality treatment.

Mr. Rob Frank, P.E. of WBRC, indicated that the current plan is not significantly different from the plan approved by the Planning Board in 2000. At this time, water quality needs to be addressed in addition to water quantity.

Mr. Rosenblatt asked if Mr. Frank could address any stream impacts. Mr. Rob Frank indicated that the proposal meets current standards in that 80% of the total suspended solids will be removed. New stormwater will be treated in a wet pond where suspended solids settle out prior to discharge.

Mr. Clark asked what the new 334-space lot would be used for. Mr. Rohn indicated that, due to a shortage of space in other locations, that they would relocate used Fords and Hondas from existing sites to this site.

Chairman Guerette asked Planning Officer Weber for Staff comments. Planning Officer Weber indicated that the applicant, Darlings, Inc., requests Site Development Plan approval and Site Location of Development Act modification to construct the final build out of the Darlings Sylvan Road development. The proposed project is a 334-space vehicle display area, and a 3,150-square foot sales and service building on Sylvan Road in a General Commercial and Service (GC&S) District. Within the context of the Planned Group Development, it meets the standards of the Ordinance. Staff recommends that the Planning Board approve both the Site Development Plan and Site Location of Development Act modification applications.

Mr. Rosenblatt moved to approve the Site Development Plan of Darlings, Inc., for Lot 3. Mr. Wheeler seconded the motion and the Board voted unanimously to approve the Site Development Plan. Mr. Rosenblatt then moved to approve the Site Location of Development Act Permit modification of Darlings, Inc. for Phase III of the Darlings development off of Sylvan Road. Mr. Clark seconded the motion, and the Board voted unanimously to approve the modification to the Darlings, Inc. Phase III project.

Item No. 13: Final Subdivision Plan and Site Location of Development Act Modification approval for a 70-lot subdivision located at 780 Mount Hope Avenue in a Low Density Residential District. Hampden Homebuilders, applicant.

Chairman Guerette asked for comments from the applicant or the applicant's representative. Mr. Masters asked to abstain from voting on this application given his concerns regarding sidewalks and open space. Given that Mr. Siegel was not familiar with the application, Chairman Guerette asked Mr. Masters to vote. Mr. Masters agreed that he would vote.

Mr. Fred Marshall of Plymouth Engineering indicated that he was representing Hampden Homebuilders. The Preliminary Subdivision Plan was approved in July 2004. The project is a revision of the prior 63-lot plan approved in 2003. Mr. Marshall noted several changes in the 2004 plan. A second roadway would now connect with Mount Hope Avenue, seven additional lots would be added, and the previous detention ponds have been modified to provide better water quality treatment. The new pond design retains the stormwater in an underground gravel bed. This system removes suspended solids and lowers the water temperature.

Mr. Siegel asked if the ponds would need to be maintained, how often, and by whom. Mr. Marshall speculated that the ponds would need to be maintained about every 10 years, but that certainly they should be evaluated for maintenance more

often. The accumulation of sediments would depend on a variety of factors, including winter road sanding and wind blown debris. The developers would maintain the system until the home construction took place, and then a Homeowners Association would be responsible for maintenance.

Mr. Clark asked where the additional six lots came from. Mr. Marshall indicated that they were part of the former Gallant property and a connector road that was eliminated. Mr. Masters asked if the pond would have standing water. Mr. Marshall noted that with the new design there would be standing water for a day at most where in the previous design, it would be weeks. Mr. Marshall indicated that the pond could be mowed and maintained to become a usable recreation area. Mr. Stan MacMillian of Hampden Homebuilders indicated that he intended to see that the ponds were seeded and maintained as useable space. Mr. Masters said that he felt that the 2,500-foot straight roadway would likely be plagued with motorists traveling at excessive speeds.

Chairman Guerette asked for Staff Comments. Planning Officer Weber stated that the applicant, Hampden Homebuilders, Inc., requests Final Subdivision Plan and Site Location of Development Act approval to create a 70-lot subdivision at 780 Mount Hope Avenue in a Low Density Residential (LDR) District. Ms. Weber indicated that all of the lots meet minimum area, width, and frontage requirements, and that the application meets the open space requirements of the Subdivision Ordinance. The plan meets the standards of the Site Location of Development Law, as well. Planning Officer Weber noted that the Engineering Staff, along with Planning and Code Enforcement Staffs, have reviewed the Plan and recommend that the Planning Board grant Final Subdivision Plan approval and Site Location of Development Act modification approval to Hampden Homebuilders, Inc. for their 70-lot subdivision.

Mr. Rosenblatt asked if this plan is approved, would it supercede the prior plan. Ms. Weber indicated that it would, and that it would replace the prior plan. Mr. Rosenblatt moved to approve the Final Subdivision Plan for Hampden Home Builders, Inc. Mr. Masters seconded the motion and the Board voted unanimously to approve the Final Subdivision Plan for Hampden Home Builders, Inc. at 780 Mount Hope Avenue.

Chairman Guerette asked for a motion on the Site Location of Development Act modification. Mr. Rosenblatt moved to approve the Site Location of Development Act modification. Mr. Masters seconded the motion, and the Board voted unanimously to approve the modification to Hampden Homebuilders, Inc. Site Location of Development Act Permit application.

Mr. Masters asked Mr. Ring if the long straight roadway would be a potential hazard. Mr. Ring indicated that he understood the concern and that most often, this issue is a problem in through roads and not so much a problem on a dead-end street.

Mr. Ring indicated that given the shape of the parcel this is unlikely. Mr. Masters suggested that amendments should be made to the City's Ordinances.

Item No. 10: Planning Board Approval of Minutes.

Chairman Guerette asked to return to the Approval of Minutes item. Mr. Rosenblatt moved approval of the Minutes of the September 7, 2004 Planning Board Meeting. Mr. Clark seconded the motion. Mr. Wheeler noted that he had a correction to be made on the September 7th Minutes. He requested that we strike the statement "A role for the Planning Board on appeals is fine." which was attributed to him. Ms. Weber indicated that the Minutes would be corrected to strike that comment attributed to Mr. Wheeler.

Chairman Guerette then asked for a vote on the motion to approve the Minutes of the September 7, 2004 Meeting. The Board voted unanimously to approve the Minutes of the September 7, 2004 Meeting, as amended.

ADJOURNMENT

As there was no further business, the meeting was adjourned at 8:50 p.m.